

Nov 20 2006 10:58AM Burmeister/Solomon

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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION
 13

14 DAN L. WHITNEY, JANET R. HADLEY,
 MARGARET A. KORNOW-BROWN, ERIC
 15 BRELLE,

16 Plaintiffs,

17 vs.

18 CHARLES WURTZ, VERISCAPE, INC.,
 RENEE TADLOCK, REGINA RYGELIS,
 19 WILL ARNTZ, SAM JACOB, GARY
 BERKOWITZ, BRIAN ROE, and DOES 1
 20 TO 20, inclusive,

21 Defendants.

CASE NO. CO405232

STIPULATION AND ORDER TO
 EXTEND TIME TO FILE MOTION
 TO COMPEL DISCOVERY

22 AND RELATED CROSS-ACTIONS.
 23

24 STIPULATION

25 This Stipulation is entered into by and between plaintiffs, DAN L. WHITNEY, JANET R.
 26 HADLEY, MARGARET A. KORNOW-BROWN and ERIC BRELLE, and defendants, CHARLES

27
 28 STIPULATION AND ORDER TO EXTEND TIME TO FILE MOTION TO COMPEL DISCOVERY

DNB

1 WURTZ, VERISCAPE, INC., REGINA RYGELIS, GARY BERKOWITZ, and BRIAN ROE, by
2 and through their attorneys of record herein with reference to the following facts:

3 1. Defendant GARY BERKOWITZ served his First Set of Request for Production to
4 plaintiff DAN L. WHITNEY by personal service on plaintiffs' counsel, David Beck, on October 10,
5 2006.

6 2. Defendants GARY BERKOWITZ, CHARLES WURTZ, and REGINA RYGELIS
7 served their First Sets of Contention Interrogatories to DAN L. WHITNEY, JANET R. HADLEY,
8 MARGARET A. KORNOW-BROWN and ERIC BRELLE on October 10, 2006 by personal service
9 on plaintiffs' counsel, David Beck.

10 3. Plaintiff DAN L. WHITNEY responded to the First Set of Request for Production
11 propounded by defendant GARY BERKOWITZ on November 9, 2006, by objecting to all requests
12 on the grounds that Mr. Beck was served on October 10, 2006, **via mail**, and as a result, the date for
13 the response was past the court ordered written discovery cutoff of November 9, 2006.

14 4. All plaintiffs filed identical blanket objections to the Interrogatories served by
15 defendants BERKOWITZ, WURTZ, and RYGELIS.

16 5. As set forth above, the discovery was personally served on Mr. Beck and accordingly,
17 the blanket objections were improper and plaintiffs' have waived all objections to the discovery.

18 6. Counsel for plaintiffs and defendants have met and conferred regarding the discovery
19 and have agreed that plaintiffs will file appropriate responses to the discovery, without objection,
20 on or before December 21, 2006 and that the time for defendants to file a Motion to Compel, if
21 necessary, will be extended to January 22, 2007.

22 WHEREFORE, IT IS HEREBY STIPULATED by and between plaintiffs, DAN L.
23 WHITNEY, JANET R. HADLEY, MARGARET KORNOW-BROWN and ERIC BRELLE and
24 defendants, CHARLES WURTZ, VERISCAPE, INC., REGINA RYGELIS, GARY BERKOWITZ,
25 and BRIAN ROE, by and through their counsel as follows:
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1 A. Plaintiffs will serve responses to the above-referenced discovery, without objection,
2 on or before December 21, 2006.

3 B. The time in which defendants have to file a Motion to Compel responses to said
4 discovery, if necessary, shall be extended to January 22, 2007.

5
6 DATED: November 20, 2006


ROBERT N. BURMEISTER, JR.
Attorney for Defendants

7
8 DATED: November 20, 2006


DAVID R. BECK
Attorney for Plaintiffs

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DRP

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ORDER

IT IS HEREBY ORDERED that plaintiffs, DAN L. WHITNEY, JANET R. HADLEY, MARGARET A. KORNOW-BROWN and ERIC BRELLE shall file responses to the discovery referred to in the attached Stipulation, without objection, on or before December 21, 2006. The time for defendants to file a Motion to Compel, if necessary, shall be extended to January 22, 2007.

IT IS FURTHER ORDERED that counsel for defendants shall serve a copy of this Order to all interested parties.

DATED: 11/28/06


PATRICIA TRUMBULL
Judge of the United States District Court